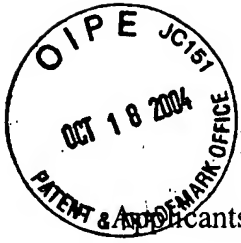


1FW



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Perez et al. Customer No.: 21003
Serial No. : 10/733,080 Examiner: Not Yet Assigned
Filed : December 11, 2003 Group Art Unit: 1638
For : METHOD FOR OBTAINING A MONOCOTYLEDON PLANT
CONTAINING A GENE OF INTEREST FREE OF FOREIGN
ANCILLARY SEQUENCE

INFORMATION DISCLOSURE STATEMENT

I hereby certify that this paper is being deposited with the
United States Postal Service as first class mail in an envelope
addressed to: Commissioner for Patents, P.O. Box 1450,
Alexandria, VA 22313-1450.

October 14, 2004
Date

Peter J. Shen
Attorney Name

[Signature]
Signature

52,217
PTO Reg. No

October 14, 2004
Date of Signature

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §§1.97 and 1.98, applicants respectfully request that the
documents listed below and on the accompanying PTO 1449 be considered by the
Examiner and made of record in the above-referenced application. Copies of the listed
documents are enclosed.

1. U.S. Patent Application Publication No. US 2002/0157129 by Perez et al., published October 24, 2002.
2. Negrotto et al. (2000) "The use of phosphomannose-isomerase as a selectable marker to recover transgenic maize plants (*Zea mays* L.) via *Agrobacterium* transformation", *Plant Cell Reporters* 19: 798-803.
3. Chesson et al. (2000) "Qui a peur des OGM", *Le Recherche* 327: 26-44.
4. Chopra et al. (1999) "Molecular characterization of a mutable pigmentation phenotype and isolation of the first active transposable element from *Sorghum bicolor*", *PNAS* 96: 15330-15335.
5. Nielsen et al. (1999) "A transient expression system to assay putative antifungal genes on powdery mildew infected barley leaves", *Physiological and Molecular Plant Pathology* 54: 1-12.
6. PCT International Patent Publication No. WO 98/38323, published September 3, 1998.
7. Grotewold et al. (1998) "Engineering secondary metabolism in maize cells by ectopic expression of transcription factors", *The Plant Cell* 10: 721-740.
8. Davis et al. (1998) "Soluble, highly fluorescent variants of green fluorescent protein (GFP) for use in higher plants", *Plant Molecular Biology* 36: 521-528.
9. International Patent Publication No. WO 97/41228, published November 6, 1997.
10. Luetke et al. (1997) "Asymmetry in F1p-mediated cleavage", *Nucleic Acids Research* 25: 4240-4249.
11. Motohashi et al. (1996) "Identification of Tnr3, a suppressor-mutator/enhancer-like transposable element from rice", *Mol. Gen. Genet.* 250: 148-152.

12. Ishida et al. (1996) "High efficiency transformation of maize (*Zea mays* L.) mediated by *Agrobacterium tumefaciens*", *Nature Biotechnology* 14: 745-750.
13. Bodeau et al. (1994) "Anthocyanin genotypes in an A188 background, and their pigment phenotypes in embryogenic calli", *MNL* 68: 98-99.
14. Yoder et al. (1994) "Transformation systems for generating marker-free transgenic plants", *Bio/Technology* 12: 263-267.
15. Chalfie et al. (1994) "Green fluorescent protein as a marker for gene expression", *Science* 263: 802-805.
16. MacRae et al. (1994) "Molecular evolutionary characterization of an Activator (Ac)-like transposable element sequence from pearl millet (*Pennisetum glaucum*) (Poaceae)", *Genetica* 92: 77-89.
17. Bechtold et al. (1993) "In planta *Agrobacterium* mediated gene transfer by infiltration of adult *Arabidopsis thaliana* plants", *Molecular Biology and Genetics* 316: 1194-1199.
18. Manninen et al. (1993) "BARE-1, a copia-like retroelement in barley (*Hordeum vulgare* L.)" *Plant Molecular Biology* 22: 829-846.
19. Hood et al. (1993) "New *Agrobacterium* helper plasmids for gene transfer to plants", *Transgenic Research* 2: 208-218.
20. International Patent Publication No. WO 92/01370, published February 6, 1992.
21. Finer et al. (1992) "Development of the particle inflow gun for DNA delivery to plant cells", *Plant Cell Reports* 11: 323-328.
22. Depigny-This et al. (1992) "The cruciferin gene family in radish", *Plant Molecular Biology* 20: 467-479.

23. Flavell et al. (1992) "Selectable marker genes: safe for plants?", Bio/Technology 10: 141-144.
24. International Patent Publication No. WO 91/02071, published February 21, 1991.
25. Lazo et al. (1991) "A DNA transformation-competent arabidopsis genomic library in Agrobacterium", Bio/Technology 9: 963-967.
26. McElroy et al. (1991) "Construction of expression vectors based on the rice actin 1 (Act1) 5' region for use in monocot transformation", Mol. Gen. Genet. 231: 150-160.
27. Fromm et al. (1990) "Inheritance and expression of chimeric genes in the progeny of transgenic maize plants", Bio/Technology 8: 833-839.
28. White et al. (1989) "A cassette containing the bar gene of Streptomyces hygroscopicus: a selectable marker for plant transformation", Nucleic Acids Research 18: 1062.
29. Ludwig et al. (1989) "Lc, a member of the maize R gene family responsible for tissue-specific anthocyanin production, encodes a protein similar to transcriptional activators and contains the myc-homology region", Proc. Natl. Acad. USA 86: 7092-7096.
30. Robert et al. (1989) "Tissue-specific expression of a wheat high molecular weight glutenin gene in transgenic tobacco", The Plant Cell 1: 569-578.
31. Chupeau et al. (1989) "Transgenic plants of lettuce (Lactuca Sativa) obtained through electroporation of protoplasts", Bio/Technology 7: 503-508.

32. Anderson et al. (1989) "The characterization and comparative analysis of high-molecular-weight glutenin genes from genomes A and B of a hexaploid bread wheat", *Theor. Appl. Genet.* 77: 689-700.
33. Lechelt et al. (1989) "Isolation and molecular analysis of the maize P locus", *Mol. Gen. Genet.* 219: 225-234.
34. Dellaporta et al. (1988) "Molecular cloning of the maize R-nj allele by transposon tagging with Ac", *Plenum Press*: 263-282.
35. Hartley, R.W. (1988) "Barnase and Barstar. Expression of its cloned inhibitor permits expression of a cloned ribonuclease", *J. Mol. Biol.* 202: 913-915.
36. Guerche et al. (1987) "Genetic transformation of oilseed rape (*Brassica napus*) by the Ri T-DNA of *Agrobacterium rhizogenes* and analysis of inheritance of the transformed phenotype", *Mol. Gen. Genet.* 206: 382-386.
37. Neuhaus et al. (1987) "Transgenic rapeseed plants obtained by the microinjection of DNA into microscope-derived embryoids", *Theor. Appl. Genet.* 75: 30-36.
38. Kay et al. (1987) "Duplication of CaMV 35S promoter sequences creates a strong enhancer for plant genes", *Science* 236: 1299-1302.
39. Richard A. Jefferson (1987) "Assaying chimeric genes in plants: the GUS gene fusion system", *Plant Molecular Biology Reporter* 5: 387-405.
40. Hood et al. (1986) "The hypervirulence of *Agrobacterium tumefaciens* A281 is encoded in a region of pTiBo542 of T-DNA", *Journal of Bacteriology* 168: 1291-1301.
41. Schocher et al. (1986) "Co-transformation of unlinked foreign genes into plants by direct gene transfer", *Bio/Technology* 4: 1093-1096.

42. An Gynheung (1986) "Development of plant promoter expression vectors and their use for analysis of differential activity of nopaline synthase promoter in transformed tobacco cells", *Plant Physiol.* 81: 86-91.
43. Pereira et al. (1986) "Molecular analysis of the En/Spm transposable element system of *Zea mays*", *The EMBO Journal* 5: 835-841.
44. Armstrong et al. (1985) "Establishment and maintenance of friable, embryogenic maize callus and the involvement of γ -proline", *Planta* 164: 207-214.
45. Rosen et al. (1983) "An unusual transposon encoding heat shock inducible and developmentally regulated transcripts in *dictyostelium*", *Cell* 35: 243-251.
46. Herrera-Estella et al. (1983) "Chimeric genes as dominant selectable markers in plant cells", *The EMBO Journal* 2: 987-995.
47. Bevan et al. (1983) "Structure and transcription of the nopaline synthase gene region of T-DNA", *Nucleic Acids Research* 11: 369-385.
48. Ooms et al. (1982) "Studies on the structure of cointegrates between octopine and nopaline Ti-plasmids and their tumour-inducing properties", *Plant Molecular Biology* 1: 265-276.
49. Depicker et al. (1982) "Nopaline synthase: transcript mapping and DNA sequence", *Journal of Molecular and Applied Genetics* 1: 561-573.
50. Franck et al. (1980) "Nucleotide sequence of cauliflower mosaic virus DNA", *Cell* 21: 285-294.
51. Brink et al. (1973) "Mutable R-navajo alleles of cyclic origin in maize", *Genetics* 73: 273-296.

Also enclosed is U.S. Patent Application Publication No. US 2002/0157129,
which is related to foreign language reference, PCT International Patent Publication No.
WO 98/38323.

This submission does not represent that a search has been made or that no better
art exists and does not constitute an admission that the listed documents are material or
constitute "prior art." If the Examiner applies the documents as prior art against any
claim in the application and applicants determine that the cited documents do not
constitute "prior art" under United States law, applicants reserve the right to present to
the Office the relevant facts and law regarding the appropriate status of the documents.

Applicants further reserve the right to take appropriate action to establish the
patentability of the disclosed invention over the listed documents, should the documents
be applied against the claims of the present application.

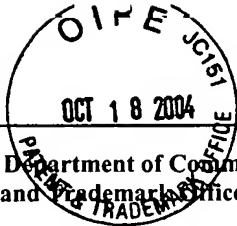
Applicants do not believe that any fee is due in connection with the submission of
this paper. However, if any fee is due, or if any overpayment has been made, the
Commissioner is authorized to charge any such fee or credit any overpayment, to our
Deposit Account No. 02-4377. Duplicate copies of this sheet are enclosed.

Respectfully submitted,

BAKER BOTTS LLP

A handwritten signature in black ink, appearing to be 'P. Shen', is written over a horizontal line. The signature is stylized and somewhat cursive.

Peter J. Shen
Patent Office Reg. No. 52,217
30 Rockefeller Plaza
44th Floor
New York, NY 10112-4498
Attorneys for Applicants
212-408-2500

Form PTO-1449 U.S. Department of Commerce
(REV. 2-82) Patent and Trademark OfficeAtty. Docket No.
A36102-PCT-USA-A
(075188.0118)Serial No.
10/733,080**INFORMATION DISCLOSURE STATEMENT
BY APPLICANT**
(Use several sheets if necessary)Applicants
Perez et al.Filing Date
December 11, 2003Group
1638**U.S. PATENT DOCUMENTS**

*Exam. Init.	Document No.	Date	Name	Class	Subclass	Filing Date if Appropriate

FOREIGN PATENT DOCUMENT

Document No.	Date	Name	Class	SubClass	Translator Yes No
9 8 3 8 3 2 3	09/03/98	WO			
9 7 4 1 2 2 8	11/06/97	WO			
9 2 0 1 3 7 0	02/06/92	WO			

OTHER DOCUMENTS (including Author, Title Date, Pertinent Pages, Etc.)

U.S. Patent Application Publication No. US 2002/0157129 by Perez et al., published October 24, 2002.
Negrotto et al. (2000) "The use of phosphomannose-isomerase as a selectable marker to recover transgenic maize plants (Zea mays L.) via Agrobacterium transformation", Plant Cell Receptors 19: 798-803.
Chesson et al. (2000) "Qui a peur des OGM", Le Recherche 327: 26-44.
Chopra et al. (1999) "Molecular characterization of a mutable pigmentation phenotype and isolation of the first active transposable element from Sorghum bicolor", PNAS 96: 15330-15335.
Nielsen et al. (1999) "A transient expression system to assay putative antifungal genes on powdery mildew infected barley leaves", Physiological and Molecular Plant Pathology 54: 1-12.
Grotewold et al. (1998) "Engineering secondary metabolism in maize cells by ectopic expression of transcription factors", The Plant Cell 10: 721-740.

Examiner

Date Considered

* Examiner: Initial citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Form PTO-1449 U.S. Department of Commerce
(REV. 2-82) Patent and Trademark Office

Atty. Docket No.
A36102-PCT-USA-A
(075188.0118)

Serial No.
10/733,080

**INFORMATION DISCLOSURE STATEMENT
BY APPLICANT**
(Use several sheets if necessary)

Applicants
Perez et al.

Filing Date
December 11, 2003

Group
1638

		Grotewold et al. (1998) "Engineering secondary metabolism in maize cells by ectopic expression of transcription factors", The Plant Cell 10: 721-740.
		Luetke et al. (1997) "Asymmetry in Flp-mediated cleavage", Nucleic Acids Research 25: 4240-4249.
		Motohashi et al. (1996) "Identification of Tnr3, a suppressor-mutator/enhancer-like transposable element from rice", Mol. Gen. Genet. 250: 148-152.
		Ishida et al. (1996) "High efficiency transformation of maize (Zea mays L.) mediated by Agrobacterium tumefaciens", Nature Biotechnology 14: 745-750.
		Bodeau et al. (1994) "Anthocyanin genotypes in an A188 background, and their pigment phenotypes in embryogenic calli", MNL 68: 98-99.
		Yoder et al. (1994) "Transformation systems for generating marker-free transgenic plants", Bio/Technology 12: 263-267.
		Chalfie et al. (1994) "Green fluorescent protein as a marker for gene expression", Science 263: 802-805.
		MacRae et al. (1994) "Molecular evolutionary characterization of an Activator (Ac)-like transposable element sequence from pearl millet (Pennisetum glaucum) (Poaceae)", Genetica 92: 77-89.
		Bechtold et al. (1993) "In planta Agrobacterium mediated gene transfer by infiltration of adult Arabidopsis thalian plants", Molecular Biology and Genetics 316: 1194-1199.
		Manninen et al. (1993) "BARE-1, a copia-like retroelement in barely (Hordeum vulgare L.)", Plant Molecular Biology 22: 829-846.
		Hood et al. (1993) "New Agrobacterium helper plasmids for gene transfer to plants", Transgenic Research 2: 208-218.
		Finer et al. (1992) "Development of the particle inflow gun for DNA delivery to plant cells", Plant Cell Reports 11: 323-328.
		Depigny-This et al. (1992) "The cruciferin gene family in radish", Plant Molecular Biology 20: 467-479.
		Flavell et al. (1992) "Selectable marker genes: safe for plants?", Bio/Technology 10: 141-144.

Examiner

Date Considered

* Examiner: Initial citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Form PTO-1449 U.S. Department of Commerce
(REV. 2-82) Patent and Trademark Office

Atty. Docket No.
A36102-PCT-USA-A
(075188.0118)

Serial No.
10/733,080

**INFORMATION DISCLOSURE STATEMENT
BY APPLICANT**
(Use several sheets if necessary)

Applicants
Perez et al.

Filing Date
December 11, 2003

Group
1638

		Lazo et al. (1991) "A DNA transformation-competent arabidopsis genomic library in Agrobacterium", Bio/Technology 9: 963-967.
		McElroy et al. (1991) "Construction of expression vectors based on the rice actin 1 (Act1) 5' region for use in monocot transformation", Mol. Gen. Genet. 231: 150-160.
		Fromm et al. (1990) "Inheritance and expression of chimeric genes in the progeny of transgenic maize plants", Bio/Technology 8: 833-839.
		White et al. (1989) "A cassette containing the bar gene of Streptomyces hygroscopicus: a selectable marker for plant transformation", Nucleic Acids Research 18: 1062.
		Ludwig et al. (1989) "Lc, a member of the maize R gene family responsible for tissue-specific anthocyanin production, encodes a protein similar to transcriptional activators and contains the myc-homology region", Proc. Natl. Acad. USA 86: 7092-7096.
		Robert et al. (1989) "Tissue-specific expression of a wheat high molecular weight glutenin gene in transgenic tobacco", The Plant Cell 1: 569-578.
		Chupeau et al. (1989) "Transgenic plants of lettuce (Lactuca Sativa) obtained through electroporation of protoplasts", Bio/Technology 7: 503-508.
		Anderson et al. (1989) "The characterization and comparative analysis of high-molecular-weight glutenin genes from genomes A and B of a hexaploid bread wheat", Theor. Appl. Genet. 77: 689-700.
		Lechelt et al. (1989) "Isolation and molecular analysis of the maize P locus", Mol. Gen. Genet. 219: 225-234.
		Dellaporta et al. (1988) "Molecular cloning of the maize R-nj allele by transposon tagging with Ac", Plenum Press: 263-282.
		Hartley, R.W. (1988) "Barnase and Barstar. Expression of its cloned inhibitor permits expression of a cloned ribonuclease", J. Mol. Biol. 202: 913-915.
		Guerche et al. (1987) "Genetic transformation of oilseed rape (Brassica napus) by the Ri T-DNA of Agrobacterium rhizogenes and analysis of inheritance of the transformed phenotype", Mol. Gen. Genet. 206: 382-386.
		Neuhaus et al. (1987) "Transgenic rapeseed plants obtained by the microinjection of DNA into microscope-derived embryoids", Theor. Appl. Genet. 75: 30-36.

Examiner

Date Considered

* Examiner: Initial citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Form PTO-1449 U.S. Department of Commerce
(REV. 2-82) Patent and Trademark Office

Atty. Docket No.
A36102-PCT-USA-A
(075188.0118)

Serial No.
10/733,080

**INFORMATION DISCLOSURE STATEMENT
BY APPLICANT**
(Use several sheets if necessary)

Applicants
Perez et al.

Filing Date
December 11, 2003

Group
1638

		Kay et al. (1987) "Duplication of CaMV 35S promoter sequences creates a strong enhancer for plant genes", Science 236: 1299-1302.
		Richard A. Jefferson (1987) "Assaying chimeric genes in plants: the GUS gene fusion system", Plant Molecular Biology Reporter 5: 387-405.
		Hood et al. (1986) "The hypervirulence of Agrobacterium tumefaciens A281 is encoded in a region of pTiBo542 of T-DNA", Journal of Bacteriology 168: 1291-1301.
		Schocher et al. (1986) "Co-transformation of unlinked foreign genes into plants by direct gene transfer", Bio/Technology 4: 1093-1096.
		An Gynheung (1986) "Development of plant promoter expression vectors and their use for analysis of differential activity of nopaline synthase promoter in transformed tobacco cells", Plant Physiol. 81: 86-91.
		Pereira et al. (1986) "Molecular analysis of the En/Spm transposable element system of Zea mays", The EMBO Journal 2: 987-995.
		Armstrong et al. (1985) "Establishment and maintenance of friable, embryogenic maize callus and the involvement of L-proline", Planta 164: 207-214.
		Rosen et al. (1983) "An unusual transposon encoding heat shock inducible and developmentally regulated transcripts in dictyostelium", Cell 35: 243-251.
		Herrera-Estella et al. (1983) "Chimeric genes as dominant selectable markers in plant cells", The EMBO Journal 2: 987-995.
		Bevan et al. (1983) "Structure and transcription of the nopaline synthase gene region of T-DNA", Nucleic Acids Research 11: 369-385.
		Ooms et al. (1982) "Studies on the structure of cointegrates between octopine and nopaline Ti-plasmids and their tumour-inducing properties", Plant Molecular Biology 1: 265-276.
		Depicker et al. (1982) "Nopaline synthase: transcript mapping and DNA sequence", Journal of Molecular and Applied Genetics 1: 561-573.
		Franck et al. (1980) "Nucleotide sequence of cauliflower mosaic virus DNA", Cell 21: 285-294.
		Brink et al. (1973) "Mutable R-navajo alleles of cyclic origin in maize", Genetics 73: 273-296.

Examiner

Date Considered

* Examiner: Initial citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.